REMARKS

Claims 2, 3, 5, 10, and 13 are amended. Claims 2-3, 5, 10-11 and 13 remain pending in this application. Reconsideration is respectfully requested in view of the following.

Claims 2-3, 5, 10-11 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0136121 to Salmonsen et al. ("Salmonsen"). The rejection is respectfully traversed.

Claim 2, as amended, recites "interrupting an operation of recording data in an optical data recording medium when a predetermined amount of data to cover a specified length along the radial direction of the optical disk is continuously recorded." Support for the amendment may be found, for example, at ¶0118 of the present application.

Regarding the Advisory Action, Applicant believes there is an unsupported assertion, which is this: "Salmonsen clearly states that timers 355 periodically trigger re-evaluation. [on this Applicant agrees]. During each period, a predetermined amount of data has been recorded." (emphasis added). Concerning the underlined phrase, Applicant respectfully disagrees. In an optical recording device, a trigger based on a predetermined amount of time is not equivalent to a trigger based on a predetermined amount of data. The Advisory Action appears to be assuming that a predetermined amount of data is recorded during the period between timer 355 based triggers in Salmonsen. A device recording to an optical disk may run for a given length of time without recording any data. If the disk, for example, has an extended gap between marks, no data is recorded, yet a time based trigger will cause a stop and evaluation. In this scenario, a trigger based on a "predetermined amount of data" would not execute a reevaluation. Likewise, in a segment of the disk having many marks, a large amount of data may be recorded in the same given amount of time. Thus, during any predetermined amount of time, there is no "predetermined amount of data" recorded. To the contrary, the amount of data recorded during any predetermined amount of time is unknown and unknowable – it depends upon the circumstances.

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Furthermore, as noted in the present application, the length of time to record a predetermined amount of data varies in CVL recording depending upon the location on the disk: "In the case of CLV recording (Constant Linear Velocity), the amounts of data recorded in the inner area and in the peripheral area of the optical disk 10 are different even if the same time information is recorded." Present Application ¶0108. What this means is that in CVL recording, while a "predetermined amount of data" remains the same, the amount of time it takes to record it changes. If, the during the course of recording, the amount of time changes while the amount of data does not, clearly a trigger based on time cannot be said to be the equivalent of a trigger based on an amount of data.
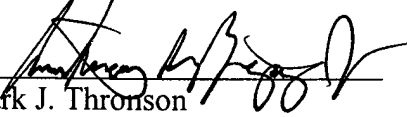
In order to clarify and further distinguish the "predetermined amount of data," the claims have been amended to recite "a predetermined amount of data to cover a specified length along the radial direction of the optical disk." It should be clear that the time based triggers taught by Salmonsen do not teach "interrupting an operation of recording data in an optical data recording medium when a predetermined amount of data to cover a specified length along the radial direction of the optical disk is continuously recorded." It should also be noted that Salmsonsen goes on to specifically list a number of other triggers bases, including change in temperature (¶0038), change in writing speed (¶0039), change in drive method (¶0041), and change in laserpower/write strategy (¶0042), but at no point ever mentions a trigger based on a predetermined amount of data nor a specified length along the radial direction of the disk. Claim 2 should therefore be allowable over Salmonsen.

The remaining claims either recite a similar limitation to the limitation of claim 2 described above or depend from a claim that does and are allowable over Salmonsen for at least the reasons provided above, as well as on their own merits. Accordingly, Applicant respectfully requests the rejection be withdrawn and the claims allowed.

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In view of the above amendments in addition to those presented in the Amendment dated December 19, 2007, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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